

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-HC-2121

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
DANIEL G. CARR,)	AND PETITION
Register Number 19275-075,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Based on the above, the United States hereby petitions the Court to commit the Respondent to the custody of the Attorney General, pursuant to 18 U.S.C. § 4248(d).

Respectfully submitted, this 21st day of May, 2012.

THOMAS G. WALKER
United States Attorney

By: /s/ Edward D. Gray
EDWARD D. GRAY
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N.C. Bar # 37539

CERTIFICATE OF SERVICE

This is to certify that I have this 21st day of May, 2012, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

DANIEL G. CARR
Reg. No. 19275-075
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Edward D. Gray
EDWARD D. GRAY
Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
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No. 5:12-HC-2121

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
DANIEL G. CARR,)	
Register Number 19275-075,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the November 14, 2011, Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of _____, 2012.

United States District Judge

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Daniel G. Carr, Register Number 19275-075, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 41-month term of imprisonment and a life term of supervised release, following his conviction for Failure to Register Under the Sex Offender Registration and Notification Act, in violation of 18 U.S.C. § 2250(a) (M.D. Tenn.) (Case No. 2:09-00010). His projected release date is June 1, 2012.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Sexual Battery and Assault,

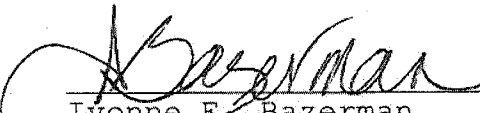
in the Criminal Court, Macon County, Tennessee (Case No. 07-76), for sneaking into his girlfriend's home on two occasions and, on one occasion, performing oral sex on her sleeping 12-year-old son until the victim awoke, and, on a second occasion, fondling the victim's buttocks and attempting to perform oral sex on the victim; Statutory Rape, in the Criminal Court, Macon County, Tennessee (Case No. 99-99), for performing oral sex on a 14-year-old male victim; Aggravated Sexual Battery, in the Criminal Court, Macon County, Tennessee (Case No. 99-98), for unbuttoning a 12-year-old male victim's pants, rubbing his stomach, and fondling his genitals; Sexual Battery, in the Criminal Court, Macon County, Tennessee (Case No. 99-97), for attempting to fondle a 13-year-old male victim's genitals; Sexual Battery, in the Criminal Court, Macon County, Tennessee (Case No. 99-96), for unbuttoning a 13-year-old male victim's pants and manually stimulating the victim; Statutory Rape, in the Criminal Court, Macon County, Tennessee (Case No. 99-95), for climbing through a 16-year-old female victim's bedroom window and engaging in sexual intercourse with the victim without her consent; Attempted Rape, in the Criminal Court, Macon County, Tennessee (Case No. 99-94), for approaching a 13-year-old male victim while he was sleeping and touching the victim's genitals; Rape,

in the Criminal Court, Macon County, Tennessee (Case No. 99-93), for providing a 14-year-old male victim with marijuana, fondling the victim's genitals, putting Vaseline on his own genitals and the victim's buttocks, and engaging in anal sex with the victim; and three (3) counts of Statutory Rape, in the Criminal Court Sumner County, Tennessee (Case No. 7517), for performing oral sex on a 13-year-old male victim on multiple occasions;

(b) A psychological review and assessment indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Males;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, sexual preference for prepubescent males, emotional congruence with children, resistance to rules and supervision, and lack of emotionally intimate relationships with adults, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

5/21/2012
Date